

H. ERNESTO CASTILLO (Cal. Bar No. 220900)  
One Kaiser Plaza, Suite 2300  
Oakland, California 94612-3642  
Telephone: (510) 836-0100  
Facsimile: (510) 832-3690  
E-mail: beleslaw@yahoo.com

Attorney for Defendant  
HUMBERTO VARELA

United States District Court  
Northern District of California

10 UNITED STATES OF AMERICA, ) CR No. 4:12-CR-00751-SBA-1  
11 Plaintiff, )  
12 v. ) STIPULATION AND [PROPOSED] ORDER  
13 HUMBERTO VARELA, ) CONTINUING SENTENCING HEARING AS  
14 Defendant. ) TO DEFENDANT HUMBERTO VARELA

16           Defendant HUMBERTO VARELA, by and through his counsel  
17 undersigned, and the United States of America, through Assistant  
18 United States Attorney ANDREW SUIAN HUANG and United States Probation  
19 Officer CONSTANCE M. COOK, hereby stipulate and respectfully request  
20 that the Court vacate the Acceptance of Plea and Sentencing Hearing  
21 in the above-captioned case, currently set for Tuesday, October 22,  
22 2013, at 10:00 a.m., and reset it for Tuesday, October 29, 2013, at  
23 10:00 a.m.

24 This is the parties' second request to continue the Acceptance  
25 of Plea and Sentencing Hearing as to Defendant Varela. The parties  
26 last appeared before the Court on June 18, 2013 when the change of  
27 plea was entered as to defendant Varela (Dkt. Nos. 30 - 32).

28 On September 18, 2013, the Court granted the parties request to

1 vacate the Acceptance of Plea and Sentencing Hearing of Tuesday,  
2 September 24, 2013, and reset it to Tuesday, October 22, 2013 at  
3 10:00 a.m. (Dkt. 38).

4 Defense counsel recently became aware of a scheduling conflict  
5 on the newly set date of Tuesday, October 22, 2013. Defense counsel  
6 will be unavailable to appear on this matter due because he must  
7 personally appear for on a previously set, all-day event which cannot  
8 be continued.

9 Assistant U.S. Attorney, Andrew Suian Huang, and U.S. Probation  
10 Officer, Constance M. Cook, are both available to appear on the  
11 requested date and stipulate to a one week continuance.

12 For these reasons, the defendant, defense counsel, and the  
13 government stipulate and respectfully request that the Court vacate  
14 the Acceptance of Plea and Sentencing Hearing currently set for  
15 Tuesday, October 22, 2013 and reset it for Tuesday, October 29, 2013,  
16 at 10:00 a.m.

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18 **IT IS SO STIPULATED.**

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20 Respectfully submitted,

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22 DATED: October 4, 2013

23 /s/ HEC \_\_\_\_\_  
H. ERNESTO CASTILLO,  
Attorney for HUMBERTO VARELA

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25 DATED: October 4, 2013

26 /s/ CMC \_\_\_\_\_  
CONSTANCE M. COOK  
U.S. Probation Officer

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28

1 DATED: October 4, 2013

/s/ ASH  
ANDREW SUIAN HUANG,  
Assistant U.S. Attorney

3 MELINDA HAAG  
United States Attorney

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8 **IT IS SO ORDERED.**

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10 DATED: 10/8/2013

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13 HON. SAUNDRA BROWN ARMSTRONG  
14 UNITED STATES DISTRICT JUDGE

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